



## Filing Receipt

**Received - 2022-01-07 03:49:40 PM**  
**Control Number - 51841**  
**ItemNumber - 37**



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Public Utility Commission of Texas  
1701 N. Congress Ave.  
PO Box 13326  
Austin, TX 78711-3326

January 5th, 2022

Dear Public Utility Commissioners:

Angel Medical Supply would like to submit this letter expressing our support for the comments filed by the Texas legal Services Center and others regarding the Emergency Operations Plans rule.

Angel Medical is a Durable Medical Equipment (DME) supplier based in Houston Texas that specializes in respiratory medical equipment such as Ventilators, Oxygen, Enteral Nutrition and other types of medical equipment. We are focused primarily on servicing special needs patients or critically ill infants and children, but also provide services to adult patients.

As part of the support for the comments, we wanted to give a specific situation of a "horror" story related to the Texas Freeze during the week of February 14th – 21st, but it actually started well before this week as the anticipation of power outages, flooding and freezing temperatures ALWAYS increase the number of patient phone calls requesting additional supplies, backup equipment, generators and early delivery, which per Medicare/Medicaid policies & procedures, is not allowed and will not be reimbursed as a covered benefit; therefore, our answer to these requests must be an apologetic denial. The Date of Service (DOS) policy is extremely strict with Medicare/Medicaid that if a product is delivered earlier than the "expected" time frame, it will be denied; therefore, DME companies cannot deliver products, especially enteral nutrition which if delivered earlier than 30 days from the previous date of service, will be denied.

Angel Medical had multiple horror stories of our ventilator patients running out of power, running out of oxygen, batteries dying, etc, but one in particular stands out. One of our most loved and critical patients is a 15-yr old quadriplegic female due to cerebral palsy that is ventilator dependent via a custom tracheostomy tube which requires suctioning multiple times throughout the day or she will suffocate. All of this equipment, from the ventilator to the suction machine is electric and the family lives in a small 2-bedroom apartment in Southwest

Houston. Before the week of the freeze, we supplied the family with an extra backup ventilator battery that would keep the vent running for approx. 6-8 hours if the power went out and also a portable suction machine. (ALL at no cost as Medicaid does NOT reimburse for backup equipment) Unfortunately, the power went out in the apartment complex Sunday night as the temperatures began to fall well below freezing, as well as ice & snow began to fall which closed all freeways.

The father calls us Monday morning demanding to bring another backup battery, but due to all roads to his complex being shut down and the danger of the icy roads, our delivery driver could not get to the apartment. I informed the father to call 911 to request emergency transport to hospital because electricity now had been out over 36 hours. When EMS arrived, I received a call from the EMS driver stating that his vehicle was not equipped to transport a patient such as this and demanding that I deliver a backup battery to her residence immediately or he would personally file a negligence complaint against Angel Medical and that Angel Medical would be responsible for the death of the patient if the ventilator stopped working.

I immediately contacted our driver and he walked from where he was at, approximately three quarters of a mile, delivered the THIRD backup battery for the ventilator and waited for another emergency vehicle to come to the residence to pick up our patient to take her to the hospital where she was admitted on 02/15/21 and discharged 02/18/21. Also, on 02/16/21, the hospital this patient was taken to, contacted me and not only demanded we deliver not only another backup ventilator battery but also another portable suction machine, which one of our Respiratory Therapists was lucky enough to live near the hospital and kind enough to deliver.

Throughout the week of the Texas "freeze", Angel Medical delivered all thirty-six (36) backup ventilator batteries we had in stock. These batteries cost \$350.00 EACH; therefore, in just the cost of vent batteries alone, Angel lost \$12,600.00 because Medicare/Medicaid does NOT reimburse DME providers for extra supplies or emergency equipment or supplies. We delivered all twenty-eight (28) oxygen concentrators and every filled oxygen cylinder that we had in stock. Many suppliers throughout Texas did the same as we all had one goal, the patient's health and well being. I don't like to draw attention to myself or Angel Medical Supply and don't want this long drawn out story to be some "pat on the back" because it clearly isn't.

I, as well as, many of the individuals who have worked in this DME industry just hope for some respect and reverence for the long hours, low reimbursements and heart/soul we put into our companies and care and love for our patients. We hope for change, which is the exact reason we strongly support the comments and implementation process submitted by Texas legal Services Center as providing backup batteries and battery options for chronic condition residential customers is important, as well as, the possibility of generators or a grant program for households or DME companies for generators for these households with critical care individuals. After 26 years in this industry, I have been through hurricanes, tornados and now Houston freezes that have affected the medical equipment our company provides to these

children. Please consider the comments seriously and understand this is a problem in Texas and we can do better.

Mark Gowen, CPA, COF  
Chief Financial Officer

p.s. I also want to mention that my family did NOT have electricity OR water from 02/14/21-02/19/21, but continued to assist our patients. Many of my employees did the same although most did not have power, water and some damage to their homes, but made the effort to help those patients that we knew needed us.